

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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SVETLANA KOVERZNEVA,

Plaintiff,

- against -

BOARD OF EDUCATION OF CITY OF
NEW YORK, et al.,

Defendants.
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Only
No objection
to the recommendation
having been filed, the
recommendation is adopted
ORDER

s/ Judge Korman

02 CV 3172 (ERK)

6/20/05

9/28/05

This action was commenced by plaintiff on May 30, 2002, against defendant Board of Education, alleging employment discrimination, pursuant to the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12101, et seq., and various state laws.

As detailed in this Court's prior Order of June 22, 2005, which is incorporated by reference herein, this Court has held numerous conferences and issued repeated orders in an effort to ensure that discovery in the case was completed in a timely fashion. Despite several explicit warnings that sanctions may be imposed, plaintiff's counsel not only failed to appear for depositions and for at least one court conference, but he has flouted virtually every scheduling order issued by this Court. As a consequence, on March 2, 2005, the Court issued an Order precluding plaintiff's counsel from taking further depositions. A second Order was issued on April 19, 2005, reaffirming counsel's waiver of the right to depose any additional witnesses in this case. The Court issued a third Order on June 22, 2005, precluding plaintiff from submitting an expert report because of the failure to comply with court-ordered deadlines.¹ As the Court

¹In a letter dated May 5, 2005, defendants moved for an order of preclusion when plaintiff's counsel failed to submit an expert report despite several extensions of the deadline.